

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1350-GMS
)	
DR. SYLVIA FOSTER, et al.,)	
)	
Defendants.)	

**MOTION TO WITHDRAW AND FOR APPOINTMENT OF CONFLICT COUNSEL
FOR DEFENDANTS JOHNSON, MOFFETT, SAGERS, AND GRAY**

COME NOW, Defendants Johnson, Moffett, Sagers, and Gray, by and through undersigned counsel, and respectfully move this Honorable Court to enter an Order granting their motion to petition Superior Court for appointment of conflict counsel. In support of this motion, movants offer the following:

1. The Department of Justice has determined there is a conflict of interest in the continued representation of defendants Johnson, Moffett, Sagers, and Gray, who are public officers, in this federal action.
2. The undersigned counsel, requests that this Honorable Court to decide the Motion for Referral to President Judge of Superior Court for Appointment of Counsel, pursuant to Delaware Supreme Court Rule 68(b)(2) and 10 Del. C. § 3925 filed simultaneously with this motion.

WHEREFORE, for the hereinabove reasons, petitioner respectfully requests that this Court grant their motion to withdraw and for referral of the matter to the President Judge of Superior Court for appointment of conflict counsel.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Gregory E. Smith
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